

Rights and Responsibilities

A Help Guide

Wisconsin Works (W-2)
Wisconsin Shares Child Care (CC)
FoodShare Employment and Training (FSET)
Refugee Cash Assistance

If you are a hearing impaired person who needs a sign language interpreter, or if you have difficulty understanding English, you have the right to an interpreter free of charge. If you need an interpreter, it is best if you let us know in advance. You have the right to authorize another adult person to represent you.



State of Wisconsin
Department of Workforce Development
October 2005
<http://www.dwd.state.wi.us>

Department of Workforce Development (DWD) is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (608) 266-0327 or (866) 275-1165 TTY (Toll Free).

For civil rights questions call (608) 266-6889 or (866) 275-1165 TTY (Toll Free).

This Help Guide contains basic information about Wisconsin Works (W-2), the Wisconsin Shares Child Care program, the FoodShare Employment and Training (FSET) program and the Refugee Cash Assistance (RCA) program.

Use this guide to answer questions about program rights and responsibilities. Local tribal or agency staff also can answer questions not found in this guide. It's important that you understand this information, so ask your worker if you do not.

All Programs

Applying for Assistance

An application is your request for help from the Refugee Cash Assistance (RCA), Child Care or Wisconsin Works (W-2) programs. [FoodShare Employment and Training (FSET) participants are referred from the FoodShare Program.] Fill in your name, address, telephone number and as much information as you can on the application form and sign it. Give or send the form to your local agency office as soon as possible.

When the local agency receives the application form you may be scheduled for an interview at the local agency with an case worker. A face-to-face interview must be completed for you to receive W-2, RCA or Child Care. Under some circumstances this interview may be held at another location, including your home, if you are unable to travel to the agency. If you miss a scheduled appointment, contact the agency to reschedule or your application may be denied. During the interview you will be asked questions about all person in your household for whom you are applying for assistance. We will tell you in writing within 30 days whether you are eligible. It is important to set your application date as soon as you can so that you can get benefits or services as quickly as possible. If you need an interpreter or other help with your interview, ask and we will help you.

W-2: You will meet with a Resource Specialist on the day you apply or the next work day. Payments or services may begin effective the date of your placement in a W-2 employment position.

Child Care: An authorization for the payment of Child Care can be issued once eligibility is determined. Child Care expenses can be covered back to the first of the month you apply.

Refugee Cash Assistance (RCA): Eligibility begins on the application date. Payments are prorated for the first and last month's benefits. The initial payment must be made within five working days following determination of eligibility and each monthly payment shall be made by the first of the month thereafter.

Authorized Representative

You have the right to have another person represent you and act on your behalf to complete the application process and to obtain benefits. If you choose to do this, that person is called an authorized representative. You must fill out an Authorization of Representative form to do this. Contact your local agency to get one of these forms. If the person who completes the application process for you gives the wrong information, you will be responsible for any mistakes.

Verifying Information

When you apply, you may be asked to show proof of information such as age, identity, Social Security numbers, immigration status, income, dependant care costs, and assets. (for example, bank accounts, property, savings bonds, etc.)

If information you give us is found to be incorrect, you may be denied benefits. If you knowingly provide false information, you may be subject to criminal prosecution. You must repay any benefits you receive because you gave false information.

Your Rights

- To be treated with respect by agency staff.
- To have your civil rights upheld.
- To have your private information treated confidentially.
- To have someone help you contact the agency and complete the forms.
- To ask the agency or your worker to explain anything in this pamphlet you do not understand.
- To receive a decision about your application within 30 days; W-2 agencies are to determine eligibility (after the interview and after verifying eligibility information) with reasonable promptness (as soon as possible but no later than 30 days).
- To request a Fact Finding review if you disagree with any action taken regarding your W-2 benefits.
- To request a Fair Hearing review if you disagree with any action taken regarding your RCA or Child Care benefits.
- To see agency records and files relating to you, except information obtained from a confidential source.

Your Responsibilities

It is your responsibility to know and follow all the rules of each program from which you are receiving assistance. The different sections in this booklet outline some of those rules. **Do not** give false information or hide information to get or continue benefits.

Use of Your Social Security Number (SSN) and United States Citizenship and Immigration Service (USCIS) Notification

You only have to give a SSN and U.S. citizenship status for each person applying for assistance. For only those people applying, we may submit this information to the USCIS for verification. The social security numbers also are used to check the identity of household members applying for assistance and to verify your income from such sources as employers, banks and other government agencies including:

- Internal Revenue Service (IRS)
- Social Security Administration
- Veterans Benefits
- Unemployment Insurance

Immigration Status

Everyone applying for aid in your household must be a citizen or national of the United States or be in a satisfactory immigration status in order to receive assistance. The immigration status of any person in your household applying for assistance will be verified with the USCIS. The information provided

by the USCIS may affect a household's eligibility and amount of benefits. Immigration status will not be verified with USCIS for people not applying for assistance.

Child Support Cooperation

While you are receiving W-2 or Child Care, you must cooperate with the child support agency to establish paternity or to secure and enforce a child support order for your minor child.

If you do not cooperate with the child support agency, your benefits may end or be reduced. If you have good cause to not cooperate, you can file a Good Cause Claim. Good cause for not cooperating may be granted if:

- There is significant risk of physical or emotional harm to yourself or the child if you give information to the child support agency;
- Your child was born as a result of incest or sexual assault;
- A petition for the adoption of your child has been filed with a court; or
- You are working with an agency to decide if you will place your child for adoption.

You may be asked to provide evidence to prove your Good Cause claim. Examples of evidence include:

- Medical, court or law enforcement records; or
- Written statements from individuals, such as friends, neighbors, clergy, social workers and medical professionals.

Where to Call if you have a Problem or Question about your Eligibility or Benefits

The local agency is responsible for obtaining and providing you with information about:

- How to apply for benefits;
- Eligibility requirements;
- Why your application was denied or approved;
- Why your eligibility ended;
- Why your benefits were reduced; or
- What to do if you do not receive your benefits.

If you have questions about your eligibility or benefits, call your local agency.

Fact Findings

If you disagree with an agency decision about W-2 services such as placement in a W-2 employment position, Emergency Assistance or W-2 overpayments, you may request a review of your case. This is called a Fact Finding. The W-2 agency also is available to hear complaints about Equal Employment Opportunity issues.

You may request a Fact Finding by writing to the W-2 agency. You must request the Fact Finding within 45 days from the date you are notified of the decision or within 45 days from the effective date of the decision, whichever is later.

If you are not satisfied with the W-2 Fact Finding decision, you may request a Departmental Review which is conducted by the Department of Administration, Division of Hearing and Appeals, by writing to:

Department of Administration
Division of Hearing and Appeals
P.O. Box 7875
Madison, WI 53707-7875

Civil Rights Laws

Civil rights laws require that no otherwise qualified person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination in any manner on the basis of race, color, national origin, religion, sex, disability or age. In addition, FoodShare applicants and recipients may not be discriminated against on the basis of political beliefs. If you have a disability, you have the right to request a sign language interpreter, materials in alternate formats or other accommodations. You have a right to request an interpreter if you do not speak English. You have the right to physical accessibility to services. For more information see the following civil rights laws.

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title VI and XVI of the Public Service Health Act
- The Age Discrimination Act of 1975
- The Omnibus Budget Reconciliation Act of 1981
- The Americans with Disabilities Act of 1990
- FoodShare Act of 1977, as amended

Please tell your local agency if you need any of these accommodations.

To File a Discrimination Complaint

File complaints within 180 days of any action you think is discriminatory. If you believe you were discriminated against, first contact a supervisor at the agency or the agency's Equal Opportunity Coordinator to try to resolve your concerns. You may also contact any of the following:

State Level

- Division of Workforce Solutions
Civil Rights Unit, Human Resources Section
201 E. Washington Ave.
P. O. Box 7972
Madison, WI 53707-7972
(608) 264-9820 (Voice) or (866) 275-1165 TTY (toll-free)

Federal Level

State and Local Government Disability Discrimination Complaints:

- Department of Justice
Civil Rights Division, Disability Rights Section - NYAV
950 Pennsylvania Ave., NW
Washington, D.C. 20530

(202) 514-0301 (Voice) or (202) 514-0383 TTY

FoodShare Complaints:

- USDA, Director, Office of Civil Rights
Room 326-W, Whitten Building
14th & Independence Ave., SW
Washington, DC 20250
(202) 720-5964 (Voice and TTY)

Discrimination Complaints:

- Regional Manager
Office of Civil Rights, Region V
U.S. Department of Health and Human Services
233 N. Michigan Avenue
Chicago, IL 60601
(312) 886-2359 (Voice) or (312) 353-5693 (TTY)

Many organizations provide free legal services to low-income households for questions or fair hearing representation. Check with your local agency for current resources.

Overpayments

Overpayments are benefits you received that you were not eligible to receive. You may have to repay benefits you receive by mistake regardless of whether it is your fault or the agency's fault. If state and federal law requires the repayment of these benefits, your failure to do so could result in collection actions such as:

- Federal or state tax refund interceptions;
- Credits or lien and levy against any real property; or
- Wage assignment.

Wisconsin Works (W-2)

W-2 is a work-based program that provides services to help families obtain and maintain employment. If you are already employed, W-2 may help you pay for child care or get a Job Access Loan to assist with employment costs. W-2 expects you to look for a job on your own. It may provide assistance and services to help find a job. If you are unable to work full-time or at all, you may be assigned to work preparation activities within your capabilities and family responsibilities. You may be placed in one of the following W-2 employment positions:

- Trial Job—a job with an employer who may hire you permanently. If placed, your employer will pay you at least minimum wage. Your employer receives a payment for your hiring and training costs.
- Community Service Job (CSJ)—a work and training placement that helps the community while assisting you to prepare for a job. You will receive a payment in return for up to 30 hours of work and training activities and up to 10 hours of education and training activities.
- W-2 Transition (W-2 T)—if you are unable to participate in CSJ activities, you may be placed in W-2 T. You will receive a payment in return for up to 28 hours per week of W-2 T activities and up to 12 hours per week in education and training activities.

If you are eligible for a W-2 employment position, your employment history and job readiness determines your placement. Refer to the W-2 Participation Agreement form number DWSW-10755 for more information on W-2 requirements. Your participation in each employment position is limited to 24 months. Total participation in W-2 employment positions is limited to 60 months.

You Have the Right To

- Meet with a FEP to discuss W-2 related activities.
- Have appropriate care for your child during the hours you participate in W-2 activities. You can contact your local Child Care Resource and Referral agency to help find child care. If you cannot find appropriate child care, tell your local agency.
- Request a Fact Finding review if you disagree with an agency decision.
- Be assigned to work training activities that will:
 - Meet all federal and state labor laws and rules that apply; and
 - Meet all federal state and local health and safety standards.
- Be free of discrimination.
- Not require you to give up any labor or union rights.
- Not replace a worker who is on strike, lockout or involved in another bona fide labor dispute.

Your W-2 Responsibilities

- Participate in assigned activities while your application is pending.
- Apply for other forms of assistance such as Unemployment Insurance or Supplemental Security Income (SSI) as required.
- If you are placed in a W-2 employment position, do all the activities in your Employability Plan. If you cannot do the required activities, tell your local agency.
- Your W-2 payment may be reduced or terminated if you refuse or miss assigned hours without good cause.
- Cooperate with the child support agency by helping to locate absent parents, legally naming the absent parent and/or enforcing child support orders. Failure to cooperate with the child support agency may result in termination or a reduction in benefits.
- Report changes in income, assets, and family structure within 10 calendar days of the change. If your child or children move out of your home report this change within 5 working days.
- If you have medical reasons that keep you from working, get a written statement from an approved medical provider.
- Inform your FEP immediately if you cannot participate for any reason.
- If you are enrolled in a W-2 employment position and have a child age 6-17, your child must enroll and attend school. If your child does not attend school he or she will be enrolled into Learnfare Case Management Services. This will help your child return to school. If your child is not attending school and not participating in Learnfare Case Management, your cash payment may be reduced.
- Report to your Financial and Employment Planner (FEP) if you have been convicted of a drug felony for an offense that happened on or after 8/22/96. If you do not report a drug conviction, you may be found ineligible for W-2 services.

Fraud

You will be ineligible to participate for 10 years if you are found to have made a false statement or misrepresented your identity or residence in order to receive multiple payments. You may be

prosecuted for fraud if you intentionally make false statements to receive payments. You'll be responsible for repaying benefits you received in error.

Wisconsin Shares Child Care Program

The Wisconsin Shares Child Care program helps low- and moderate-income families pay for child care while they are working, completing work related activities or attending school.

Parents must choose a licensed daycare center, licensed family day care or certified home care. Contact your local agency if you need help finding a child care provider.

You Have the Right to:

- Have your Child Care eligibility determined in a timely manner; and
- Have the authorization for Child Care assistance backdated to the beginning of the month of application (if requested and appropriate). A valid authorization is necessary for a provider to receive payment.

If you disagree with an agency decision about Child Care, you may request a review of your case. For Child Care, this is called a Fair Hearing. You may request the Fair Hearing in writing or in person with the agency. You may also write to the State Department of Administration, Division of Hearings and Appeals, PO Box 7875, Madison, WI 53707. You must request the Fair Hearing within 45 days from the date you are notified of the decision or within 45 days from the effective date of the decision, whichever is later. The request for a Fair Hearing for Child Care must be separate from a request for fair hearing for FoodShare and/or Medicaid.

Your Responsibilities, You Must:

- Remain in an approved activity.
- Report changes to your agency worker within 10 days.
- Cooperate with the child support agency.
- Report changes in income, a change in the number of hours you work, payment schedule changes (for example, biweekly to monthly paychecks), and when a person moves in or out of your household.
- Pay your share of the cost for care (co-pay) when required by the provider.
- Give a 10-day notice to your provider and agency worker when changing child care providers.
- Use Child Care only for approved activities. Child care can not be used for grocery shopping, running errands or other non-work related activities.

FoodShare Employment and Training Program (FSET)

Anyone who applies for and receives FoodShare is required to participate in a work program unless exempted from this requirement. Able-bodied adults between the ages of 18 and 50 without dependents must work or participate in a work-related activity under the direction of the local agency. If you are not required to participate, you may still volunteer to participate to help you improve your work opportunities and work skills.

Agencies can assist you in looking for a job and obtaining a high school diploma or a GED certificate, and also may be able to help you obtain training in a specific skill. Ask your agency worker to describe the kinds of services available in your area. If you need special services, such as a

transportation allowance or child care, while you look for a job or attend a training program, tell your local worker when you enroll in the work program.

Your FSET Rights

- To be notified of changes in your FoodShare amount because you failed to enroll or participate in the work program available in your county.
- The right to appeal benefit changes by requesting a Fair Hearing. If you have a complaint about an FSET work program, you may discuss it with staff or a manager of that agency. Most agencies have a procedure established to handle grievances or complaints.
- If you are required to participate in a work program and you need help to pay for child care or transportation costs, staff will arrange to cover these expenses.

Your FSET Responsibilities

- Register for work and accept an offer of a suitable job if you are at least 16 but less than 60 years old.
- Respond to the notice to enroll in a work program, even if you are already going to school or looking for work.
- Keep the appointments given to you by the work program staff once enrolled. If you are unable to keep an appointment or anticipate being late, contact your FSET worker before the appointment. If you are unable to call before the appointment, call as soon as possible regarding any problems that would prevent you from participating in required activities. Failure to keep appointments or attend classes may result in a loss of part or all of your FoodShare benefits.
- Accept a job offered to you unless you have good cause reason that affects your ability to take and hold the job.
- Not quit a job or reduce earnings without a good cause reason.
- Cooperate with the county child support agency to establish paternity for and obtain support for any of your children or children you are exercising parental control over who are under 18, living with you, and have an absent parent.

Good Cause Reasons for Not Participating in an FSET Program

- Illness.
- Illness of another household member serious enough to require your presence.
- Unanticipated emergency, that is, a circumstance beyond your control.
- Lack of appropriate and available child care or transportation. Or you do not have the money to pay for these services.
- Caring for a child under age six, or for a person who is incapacitated.
- You are actively participating in a drug or alcohol rehabilitation program.
- You already are working at least 30 hours a week and earning the minimum hourly wage.
- You are physically or mentally incapable of engaging in employment.
- You are less than 16 years old or more than 60 years old.
- You are attending post-secondary education at least half-time.
- You have applied for or are receiving Unemployment Insurance.
- You are a high school student, regardless of age.
- You are a contracted migrant or seasonal farm worker under contract or similar agreement who will begin employment in 30 days.

Refugee Cash Assistance Program (RCA)

The Refugee Cash Assistance (RCA) program provides cash assistance for newly arrived refugees who are not eligible for W-2, SSI or Match Grant. Assistance is available for the first eight months a refugee is in the country. All RCA recipients must also enroll in an employment program to help them find a job as quickly as possible.

Your RCA Rights

- Have your RCA eligibility determined in a timely manner.
- To be notified of changes in your RCA amount because you failed to enroll or participate in the work program available in your county.
- The right to appeal benefit changes by requesting a Fair Hearing. If you have a complaint about an RCA work program, you may discuss it with staff or a manager of that agency. Most agencies have a procedure established to handle grievances or complaints.
- When you are required to participate in a work program and you need help to pay for child care or transportation costs, staff will arrange to cover these expenses.

Your RCA Responsibilities

- Remain in an approved appropriate activity.
- Report changes to your agency worker within 10 days.
- Report changes in income, a change in the number of hours you work, payment schedule changes (for example, biweekly to monthly paychecks), and when a person moves in or out of your household.
- Register for work and accept an offer of a suitable job if you are at least 16 but less than 50 years old.
- Respond to the notice to enroll in a work program, even if you are already going to school or looking for work.
- Keep the appointments given to you by the work program staff once enrolled. If you are unable to keep an appointment or anticipate being late, contact your RCA worker before the appointment. If you are unable to call before the appointment, call as soon as possible regarding any problems that would prevent you from participating in required activities. Failure to keep appointments or attend classes may result in a loss of part or all of your RCA benefits.
- Accept a job offered to you unless you have good cause reason (defined in W-2) that affects your ability to take and hold the job.
- Not quit a job or reduce earnings without a good cause reason.

Appeal Rights

You can ask for a Fair Hearing if you think the action is wrong. The directions for requesting a hearing can be obtained from your worker, or you may send a written request with your name, address, phone number, social security number and reason for the appeal to Division of Hearings and Appeals, PO Box 7875, Madison WI 53707-7875. If you request a Fair Hearing before the effective date of this action, benefits will be continued until the final decision is made. Benefits will not continue beyond the 8-month eligibility period. If the Fair Hearing confirms that you are not eligible for benefits, you will have to pay back the benefits you receive in error. You must send a request for a Fair Hearing within 45 days of the date of notice or the Hearing Examiner will not consider the request.